

# MEMORANDUM

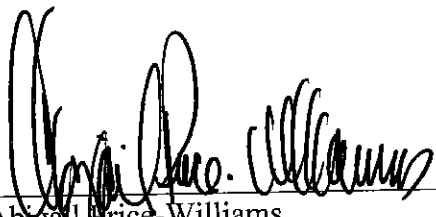
Agenda Item No. 7(C)

---

<b>TO:</b>	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	<b>DATE:</b>	(Second Reading 12-6-16) July 19, 2016
<b>FROM:</b>	Abigail Price-Williams County Attorney	<b>SUBJECT:</b>	Ordinance extending Amnesty Period created by Ordinance No. 11-64, as subsequently amended, for an additional year commencing July 12, 2016; extending a limited exception from civil penalties and liens for building code violations upon a homeowner's compliance with the Building Code

---


The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Senator Javier D. Souto.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:** December 6, 2016  
**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez   
Mayor  
**Subject:** Fiscal Impact Statement for Ordinance Relating to Amnesty Period

---

The proposed ordinance extends the amnesty period created by Ordinance 11-64 for an additional year commencing on July 12, 2016, extending a limited exception from civil penalties and liens for building code violations upon a homeowner's compliance with the building code.

As a result of continuing to waive penalties and liens previously assessed by the County, a fiscal impact will continue to occur. However, the extent of the fiscal impact resulting from the extension of the amnesty will depend on the number of property owners with outstanding violations that opt to correct the violations and be covered by this ordinance. At this time it is difficult to assess the ultimate fiscal impact.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

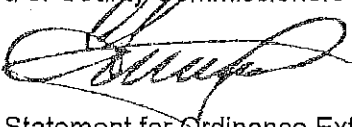
Fis08916 161606

# Memorandum



**Date:** December 6, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Social Equity Impact Statement for Ordinance Extending Amnesty Period Created by Ordinance No. 11-64 and Subsequently Extended

---

The proposed ordinance extends the Amnesty Period, which allows the County to waive civil penalties and liens assessed for building code violations provided certain conditions are met by the property owner, through July 12, 2017.

The Amnesty Period was enacted in 2011, when the entire nation and County was still in the midst of a severe economic crisis, with the intent to encourage compliance with the Building Code while being mindful of the potential financial hardships that result to homeowners with the strict application of the County's system of fine and penalties related to building code violations. The Amnesty Period was subsequently extended and modified through Ordinances Nos. 12-06, 12-59, 13-61, 14-66, and 15-34. While the number of foreclosure registrations has declined significantly, extending the Amnesty Period can benefit purchasers of distressed homes with multiple violations that are seeking to bring such homes into compliance, which would in return improve the safety and values of surrounding properties. Incentives that encourage compliance may result in the faster correction of violations, which can limit the use of enforcement.

  
\_\_\_\_\_  
Jack Osterholt  
Deputy Mayor

161606

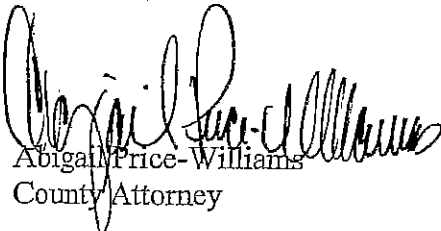


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** December 6, 2016

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(C)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(C)  
12-6-16

ORDINANCE NO. \_\_\_\_\_

ORDINANCE EXTENDING AMNESTY PERIOD CREATED BY ORDINANCE NO. 11-64, AS SUBSEQUENTLY AMENDED, FOR AN ADDITIONAL YEAR COMMENCING JULY 12, 2016; EXTENDING A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, this Board adopted Ordinance No. 11-64 to create a limited exception from civil penalties and liens resulting from Building Code violations upon a homeowner's compliance with the Building Code as a result of the severe economic crisis that existed in Miami-Dade County during an initial six-month "Amnesty Period"; and

**WHEREAS**, through subsequent amendments, Ordinance No. 11-64 was amended to clarify its application and extend its term (as amended, the "Amnesty Ordinance"); and

**WHEREAS**, this Board most recently adopted Ordinance No. 15-34 on May 5, 2015 extending the Amnesty Ordinance's term to July 12, 2016; and

**WHEREAS**, this Board wishes to continue to encourage compliance with the Building Code while being mindful of the hardships that result to homeowners from the strict application of the County's system of fines and penalties relating to building code violations; and

**WHEREAS**, extending the Amnesty Period for an additional year will help purchasers of distressed homes with multiple code violations to bring such homes into compliance and thereby improve the safety and property values of all homes in the County; and

**WHEREAS**, this Board wishes to extend the Amnesty Period for an additional one (1) year in the manner more particularly set forth below,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** The Amnesty Period set forth in the Amnesty Ordinance, as subsequently amended, shall be extended for an additional one (1) year, commencing July 12, 2016.

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, shall be excluded from the Code of Miami-Dade County.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

APW

Prepared by:

EWf

Oren Rosenthal

Prime Sponsor: Commissioner Rebeca Sosa  
Co-Sponsor: Senator Javier D. Souto